

### **REMARKS**

Reconsideration and allowance are respectfully requested. Claims 1, 6, 7, 9, 12, 13, 15, 16, 19, 21 and 23 have been amended. Claims 5, 8, 14, 22 and 24 have been canceled. Thus, claims 1-4, 6, 7, 9-13, 15-21, and 23 remain pending.

The Examiner objected to claim 21. Claim 21 has been amended above to obviate the objection.

The Examiner noted that claims 14-16 and 19 indicate that “Applicants may desire an interpretation of these claims under 35 U.S.C. 112, Sixth Paragraph”. The Examiner then cites four criteria (e.g. identifying the function and structure, etc) that the Applicants must meet to receive claim interpretation under 35 U.S.C. 112, Sixth Paragraph. Applicants believe that the four criteria the Examiner stated are not required for Applicants to obtain means-plus-function interpretation of claims under 35 U.S.C. 112, Sixth Paragraph. MPEP 2181 is clear about what is required when it states the following:

A claim limitation will be interpreted to invoke 35 U.S.C. 112, sixth paragraph if it meets the following 3-prong analysis:

(A) the claim limitations must use the phrase "means for " or "step for ";

(B) the "means for " or "step for " must be modified by functional language; and


(C) the phrase "means for " or "step for " must not be modified by sufficient structure, material or acts for achieving the specified function.

Claims 14-16 and 19 clearly meet this 3-prong analysis since, for example, claim 14 recites "means for selecting", means for associating"... Thus, it is improper for the Examiner not to interpret these claims under 35 U.S.C. 112, Sixth Paragraph. If the Examiner disagrees, it is respectfully requested that the Examiner cite the appropriate statute or case law in support of his contention that the Applicants must meet the Examiner's four criteria cited in the Office Action.

The Examiner indicated that claims 5, 7-9, 12, 13, 15-17, 19, 20 and 24 contain allowable subject matter. To place this application in condition for allowance expeditiously, independent claim 1 has been amended to include the subject matter of claim 5, independent claim 6 has been amended to include the subject matter of claim 8, claims 7, 12, 13 and 15 have been placed in independent format, and independent claim 21 has been amended to include the subject matter of claims 22 and 24. It is submitted that all pending claims are now in condition for allowance.

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank J. Nuzzi", written in a cursive style.

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